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Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

UNITED STATES DISTRICT COURT

for the

District of

Division

HERBERT L. JOSEPH II

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

2:21-cv-25
(to be filled in by the Clerk's Office)

Jury Trial: (check one)



Yes



No

-v-
PLANET FITNESS ASSETCOLL
d/b/a
PLANET FITNESS

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

RECEIVED

JAN - 7 2021

CLERK, U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Address

County

Telephone Number

E-Mail Address

HERBERT L. JOSEPH II
 4328 WOODBURN ROAD
 Pittsburgh PA 15210
 Allegheny
 (412) 381-7321
 herbert.l.joseph.ii@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

Planet Fitness Assetco LLC d/b/a Planet Fitness
 26 Fox Run Road
 Newington, NH 03801
 Rockingham, New Hampshire
 1-(603) 750-0001
☐ Individual capacity ☒ Official capacity

Defendant No. 2

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

☐ Individual capacity ☐ Official capacity

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Defendant No. 3

Name _____

Job or Title (if known) _____

Address _____

City _____

State _____

Zip Code _____

County _____

Telephone Number _____

E-Mail Address (if known) _____

☐ Individual capacity ☐ Official capacity

Defendant No. 4

Name _____

Job or Title (if known) _____

Address _____

City _____

State _____

Zip Code _____

County _____

Telephone Number _____

E-Mail Address (if known) _____

☐ Individual capacity ☐ Official capacity**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

N/A A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)☐ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

(N/A)

Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

III. CASE AT PHRC # 201803599 - TAO TO PROCEED Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur? ON MAY 16, 2019 Defendant EVICTED Plaintiff from facility at 3500 Mountain View Drive, Folberg, West Mifflin, PA 15122. his complaint of being harassed while in a changing stall by another PATRON. SAID PATRON WAS A LARGE (TALL) BULKY WHITE male who towered over Plaintiff while latter was naked repeatedly demanding how much more time he needed in that stall, which he desires to use.
- B. What date and approximate time did the events giving rise to your claim(s) occur? MAY 16, 2019. see ATTACHED Police Report & membership cancelled along with LIFETIME BANishment.

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

Defendant's FAILURE to protect Plaintiff's Civil Rights within its facility evinces violation of the CIVIL RIGHTS Act of 1964. It is submitted Defendant's Actions evince an Animus of RACIAL Practices violation of the CIVIL RIGHTS Act of 1964. THERE WERE NO OTHER KNOWN witnesses to this incident.

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IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

- ① MENTAL DURESS RESULTING FROM DEFENDANT'S VIOLATIVE ACTIONS AGAINST PLAINTIFF'S CIVIL RIGHTS.
- ② INCREASED ILL-BEING RESULTING FROM NON-ACCESS TO DEFENDANT'S GYM FACILITIES. (See Attached Membership Cancellation of Police Dept.)
- ③ UNTOLO (perhaps a billion dollars) millions of dollars for ENTERTAINMENT REVENUE generated by PLAINTIFF'S "OLDB SOUTH BROWNS" Style "Dancing and related items for SALE IN INTERSTATE COMMERCIAL depicting HIS TRADEMARKED LOGO FOR T.V. LIME SINE.
- ④ DEPRESSION developed from DEFENDANT'S imposition of VIOLATIVE measures against PLAINTIFF'S CIVIL RIGHTS.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

- \$ 1,000,000,000 IN DAMAGES TOTAL (see)
- (a) \$ 432,000,000 : ACTUAL REASONABLE SUM FOR LOST PERFORMANCE & TRADEMARK PROLIFERATION RELATED REVENUES
(ACTUAL)
- (b) \$ 568,000,000 PUNITIVE DAMAGES FOR UNCONSCIONABLE AND DELIBERATE CIVIL RIGHTS VIOLATIONS AGAINST PLAINTIFF.
(PUNITIVE)

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: January 7, 2020

Signature of Plaintiff

Printed Name of Plaintiff

Herbert L. Joseph II
HERBERT L. JOSEPH II

B. For Attorneys

Pro Se

Date of signing:

January 7, 2020

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

Telephone Number

E-mail Address

Pro Se Plaintiff

Pro Se Plaintiff

HERBERT L. JOSEPH II

N/A

N/A

432 PARKWOOD ROAD

Pittsburgh, Pennsylvania 15210

City

State

Zip Code

OFF (412) 381-7321 FAX (412) 381-5461

herbert.l.joseph.ii@gmail.com